

ATTACHMENT A

PROCEDURE FOR MUNICIPALITIES FOR PRE-ADVERTISING ADJUSTMENT OF MBE/WBE PARTICIPATION GOALS

A. Affirmative Marketing Participation Goals

Each Municipality must enforce the current Affirmative Marketing Goals developed by the Division of Capital Asset Management (DCAM) in consultation with SDO as follows:¹

Design Participation:	Combined MBE/WBE goal of (17.9%)
Construction Participation:	Combined MBE/WBE goal of (10.4%)

The combined goals require a reasonable representation of both MBE and WBE firm participation on the project as further set forth in Attachment C, Section A, Paragraph 2.

B. Criteria for Adjustment of Goals

In Accordance with Section 7 of Chapter 193 of the Acts of 2004, an Awarding Authority may file a written request with the Executive Director of the Supplier Diversity Office (SDO), for the adjustment of participation goals, for an individual state-assisted building project, at any time prior to the advertising of the contract.² Factors that may be considered in granting an adjustment of the project goals for design and/or construction include any or all of the following:

- Actual availability of certified Minority- and/or Women-Owned Business Enterprises (MBE/WBEs);
- The geographic location of the project;
- The scope of work of the project including the opportunities for sub-contracting and subdividing the work; and other relevant factors.

C. Project Thresholds

In addition to the above criteria, Participation Goals for an individual State-assisted Building Project can be adjusted by the Awarding Authority without filing a formal request with SDO under paragraph E below, if the total estimated construction cost of the Project as approved by the Awarding Authority is \$100,000 or less, and for design projects the estimated fee is \$100,000 or less.

D. Supporting Documentation for Design and Construction Projects

Documentation that will be considered in granting an adjustment will include, but are not limited to the following:

¹ From time to time goals are adjusted and the SDO web site should be consulted for any revisions.

² In rare instances after advertising and before bidding based on new information you may request an adjustment post-advertisement. Any adjustment granted must be the subject of an Addendum.



1. A general description of the project, a copy of the detailed project estimates, and the deadline for placement of project advertisements.
2. The reasons that the Awarding Authority or its representative has determined that there are no qualified MBE/WBEs.
3. Documentation after reviewing the MBE/WBE listings in the SDO directory that there may be a lack of eligible MBE/WBEs to perform the design and construction contract work in the general region of the project.
4. Documentation after reviewing the MBE/WBE listings in the SDO directory that there are no certified businesses within the scopes of work of the project including the opportunity for subcontracting after identifying all subcontracting opportunities.
5. Other Information - The Awarding Authority may also submit any other information supporting its request for adjustment of the MBE/WBE participation goals.

E. Request for Adjustment of Design and Construction Goals

1. As required by Chapter 193 of the Acts of 2004, the Awarding Authority must utilize the Standard Designer Application Form for Municipalities and Public Agencies not within Designer Selection Board (DSB) jurisdiction available on the DCAM web site under Cities and Towns at: <http://www.mass.gov/cam/DSB>.
2. Requests by an Awarding Authority for Adjustment of MBE/WBE Participation Goals on an individual project must be submitted in writing to the SDO Director of Construction Reform at The McCormack Building, One Ashburton Place 13th floor, Suite 1313, Boston, MA 02108 or by e-mail at: John.B.Fitzpatrick@state.ma.us, no less than fourteen (14) business days before the deadline for placement of advertisements for the contract.
3. Design and Construction Goals are separate goals and therefore, requests for adjustment must be applied for separately. Design participation may not be substituted for Construction participation, nor may Construction participation be substituted for Design participation. On modular projects the design services provided under the construction contract are construction-related participation.
4. The Requested Adjustment must include the reasons for the adjustment as well as any supporting documentation as described in paragraph D above.
5. A written response to the Request will be provided to the Awarding Authority prior to the advertising deadline.